

FILED
DEC 30 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ARKEMA INC., et al,

CV. 09-453-PK

Plaintiffs,

FINDINGS AND
RECOMMENDATION

v.

A & C FOUNDRY PRODUCTS,
INC., et al.,

Defendants.

PAPAK, Judge:

Plaintiffs in this action seek contribution and recovery of response or remedial costs related to the environmental cleanup of Portland Harbor, which the Environmental Protection Agency (EPA) listed as a Superfund site in December 2000. Plaintiffs state ten claims for relief, including claims for contribution, declaratory relief and cost recovery under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9613, claims for contribution and declaratory judgment under Oregon law, Or. Rev. Stat. § 465.325, an

Oregon Oil Spill Act claim, Or. Rev. Stat. § 468B.300, and a claim for contribution under the Oil Pollution Act, 33 U.S.C. § 2709.

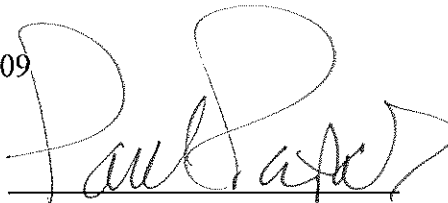
This court has jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1367 (supplemental jurisdiction) and 33 U.S.C. § 2717(b) (federal jurisdiction over Oil Pollution Act claims). Plaintiffs' Motion for Referral to Alternative Dispute Resolution (#169) and alternative motion to stay proceedings are now before the court, as are several motions to dismiss. The State of Oregon has filed an amicus brief in support of the plaintiffs' motion.

For the reasons stated on the record at the hearing on plaintiffs' motion, the court should grant Plaintiffs' Motion for Referral to Alternative Dispute Resolution (#169) in part and deny it in part. The court should deny the motion for referral to alternative dispute resolution but grant the motion to stay subject to the conditions stated on the record and set forth in the plaintiffs' proposed stay order, which I attach to this Finding and Recommendation.

SCHEDULING ORDER

The Findings and Recommendation will be referred to a district judge. Objections, if any, are due fourteen (14) days from service of the Findings and Recommendation. If no objections are filed, then the Findings and Recommendation will go under advisement on that date. If objections are filed, then a response is due fourteen (14) days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

Dated this 30th day of December, 2009



Honorable Paul Papak
United States Magistrate Judge